

REMARKS

This Response is submitted in connection with the pending final Office Action mailed on **October 20, 2006** and the Advisory Action mailed on January 23, 2007. This Response is submitted after a final rejection in order to cancel pending claims 13 to 24 and address inconsistencies noted within the Advisory Action. Thus, Applicant respectfully requests entrance and consideration of this Response.

This Response is electronically submitted and certified according to 37 C.F.R. §1.8, on or before the period for reply set to expire on **March 20, 2007**. A petition for two (2) month extension of time in accordance with 37 C.F.R. §1.136(a) accompanies this Response. Applicant directs the Office to charge **Deposit Account No. 23-1925 (08285-00636)** in the amount of \$450.00 for the extension of time fees set forth under 37 C.F.R. §1.17(a)(2), and for any other fees deemed owed during the pendency of this application, excluding the issue fee.

I. INTERVIEW SUMMARY

Applicant wishes to thank Examiner Sing for the help and cooperation provided to Applicant's attorney, Matthew T. Ridsdale, Reg. No. 56,832, during the telephonic consultations conducted on March 20, 2007. During these consultations, Examiner Sing was instrumental in identifying the inconsistencies within the Advisory Action. The remarks presented herein embody the topics discussed during the consultations and are believed to place this application in condition for allowance.

II. STATUS OF THE CLAIMS

Prior to this Response, claims 1 to 24 were pending and at issue. By this Response, claims 13 to 24 have been canceled. Thus, claims 1 to 12 remain pending and at issue in this application.

III. CLAIM REJECTIONS

The final Office Action rejected claims 1 to 12 on the grounds of non-statutory obviousness-type double patenting over U.S. Patent No. 6,625,261 and claims 13 to 24 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,876,729 to Kuter et al. ("*Kuter*").

A. TRAVERSED OBVIOUSNESS-TYPE DOUBLE PATENTING

Applicant submitted a terminal disclaimer (a copy is attached herewith in the Appendix) on December 27, 2006 to overcome the non-statutory double patenting rejections based on U.S. Patent No. 6,625,261. The terminal disclaimer was approved on January 11, 2007 by Henry D. Jefferson (a copy of the approval is attached herewith in the Appendix). The subsequent Advisory Action mailed on January 23, 2007 makes no mention of the approved terminal disclaimer or puts forth any substantive, art-based, rejections of claims 1 to 12. Thus, Applicant submits that the Advisory Action is improper and/or incomplete. Moreover, in light of the submitted and approved terminal disclaimer and the fact that claims 1 to 12 have never been the subject of any substantive, art-based, rejections, Applicant submits that claims 1 to 12 are in condition for allowance.

B. TRAVERSED CLAIM REJECTIONS UNDER 35 U.S.C. §102(e)

Applicant respectfully traverses the rejections of claims 13 to 24 as anticipated by *Kuter*. In particular, claims 13 to 24 have been canceled, thereby rendering these rejections moot. Applicant respectfully requests withdrawal of the rejections to the now-canceled claims 13 to 24.

IV. CONCLUSION

For at least the foregoing reasons, Applicant respectfully requests withdrawal of the pending rejections and submits that the above-identified patent application is now in condition for allowance. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting prosecution of this application.

Respectfully submitted for,

BRINKS HOFER GILSON & LIONE

BY: 

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Dated: **December 27, 2006**

APPL. NO. 10/626,462
RESP. DATED MAR. 20, 2007
RESP. TO ADVISORY ACTION OF JAN. 23, 2007

ATTY. DOCKET No.: 08285-00636

APPENDIX

**TERMINAL DISCLAIMER TO OBVIATE THE ALLEGED
NONSTATUTORY DOUBLE PATENTING REJECTIONS
OVER THE PRIOR PATENT**

 Docket Number (Optional)
08285-00636

In re Application of: LAURIE ANN HOLTZBERG
Application No. 10/626,462
Filed: JULY 23, 2003
For: METHOD, SYSTEM AND ARTICLE OF MANUFACTURE FOR BOOKMARKING
 VOICEMAIL MESSAGES

The owner*, SOUTHWESTERN BELL COMMUNICATIONS SERVICES, INC., of one hundred (100) percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. patent No. 6,625,261 (hereinafter referred to as "the Patent"). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the Patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the Patent, as presently shortened by any terminal disclaimer, in the event that one or more of the Patent claims or the Patent itself should later: expire for failure to pay a maintenance fee, is (or are) held unenforceable, is (or are) found invalid by a court of competent jurisdiction, is (or are) statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is (or are) reissued, or is (or are) in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

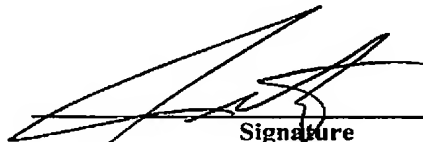
Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

12-21-06
Date


Signature


JOSEPH F. HETZ (REG. NO. 41,070)

Printed Name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Application Number 	Application/Control No. 10/626,462	Applicant(s)/Patent under Reexamination HOLTZBERG, LAURIE ANN	
Document Code - DISQ		Internal Document – DO NOT MAIL	

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : December 21, 2006	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson